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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 07-0568 EMC |
| |) | |
| Plaintiff, |) | |
| |) | PARTIES' JOINT REQUEST TO CONTINUE |
| v. |) | STATUS HEARING DATE AND SET |
| |) | SENTENCING DATE AND [PROPOSED] |
| MARK JACOBSON, |) | ORDER |
| |) | |
| Defendant. |) | |

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas F. Carlucci, that, subject to the Court's approval, the status hearing presently set for June 26, 2013 be continued and set for a sentencing hearing on October 30, 2013 at 2:30 p.m. The United States has learned from the Court's publicly posted availability information that the Court is available on that date.

The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24, 2007 to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets, gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes standard terms of cooperation.

JOINT REQ. & [PROPOSED] ORDER
CR 07-0568 EMC

1 The parties jointly request that the hearing on June 26, 2013 be continued for a sentencing
2 hearing on October 30, 2013 at 2:30 p.m. As the Court is aware, Mr. Jacobson testified in April
3 2013 in the trial of the defendant David Nosal in case number CR 08-0237 EMC. The defendant
4 Nosal's sentencing hearing is scheduled for September 4, 2013. The parties jointly request that
5 Mr. Jacobson's sentencing date be scheduled for October 30, 2013 in order to provide the
6 government sufficient time to fully assess the value of his cooperation with the government
7 following the Nosal sentencing. In addition, it is possible that Mr. Jacobson may provide
8 additional cooperation with respect to the Nosal sentencing.

9 For all of these reasons, the parties jointly request that this Court vacate the hearing
10 presently set for June 26, 2013 and set a sentencing hearing for October 30, 2013 at 2:30 p.m. In
11 addition, the parties jointly request that the due dates for the presentence report be calculated
12 using the new sentencing date.

13 SO STIPULATED.

14
15 Dated: May 30, 2013

MELINDA HAAG
United States Attorney

16
17 /s/
18 _____
KYLE F. WALDINGER
19 Assistant United States Attorney

20
21 Dated: May 30, 2013

/s/
22 _____
THOMAS F. CARLUCCI
23 Attorney for defendant Mark Jacobson

24
25 **[PROPOSED] ORDER**

26 GOOD CAUSE APPEARING,

27 IT IS ORDERED that the hearing presently set for June 26, 2013 is vacated. The parties
28 are ordered to appear for a sentencing hearing on October 30, 2013, at 2:30 p.m. The final

1 presentence report should be disclosed two weeks prior to the sentencing date.

2
3 Dated this 5th day of June, 2013.

